



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

December 26, 2024

By ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *United States of America v. Katz's Delicatessen of Houston St., Inc.*,
No. ~~24 Civ. 5928 (AKH)~~ **24cv9720**

Dear Judge Failla:

This Office represents the United States of America (the "Government") in the above-referenced action brought by the Government against defendant Katz's Delicatessen of Houston St., Inc. ("Defendant"), pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12181 *et seq.* ("ADA"). I write jointly with Defendant's counsel respectfully to request that the Court enter the proposed consent decree filed in this matter, *see* ECF No. 3, and adjourn the initial pretrial conference currently scheduled for March 14, 2025, ECF No. 4, *sine die*.

The Government filed the complaint alleging violations of the ADA, and the parties simultaneously settled this matter, on December 17, 2024. *See* ECF Nos. 1 & 3. The proposed consent decree resolves the violations of the ADA alleged by the Government, the Defendant has consented to the entry of the consent decree without trial or adjudication of any issues of fact or law, and the parties agree that settlement of this matter without further litigation is in the public interest and that entry of the consent decree is the most appropriate means of resolving this matter. *See* ECF No. 3, at 2. As a result, the parties respectfully request that the Court enter the proposed consent decree.

Because entry of the consent decree will resolve this matter without the need for further litigation, the parties also request that the Court adjourn the initial pretrial conference *sine die*, pursuant to Section 3.B of Your Honor's Individual Rules.

* * *

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The parties thank the Court for its attention to this matter.

Respectfully submitted,

EDWARD Y. KIM
Acting United States Attorney for the
Southern District of New York

By: /s/ David Farber

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Counsel for Defendant (by email)

Application GRANTED. The Court will file the Consent Order under separate cover.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

Dated: December 27, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE